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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR  | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|-----------------------|---------------------|------------------|
| 09/540,343      | 03/31/2000  | Douglas G. Vanderlaan | VTN0410             | 3140             |

7590 05/01/2002

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[REDACTED] EXAMINER

MICHL, PAUL R

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 1714     | 14           |

DATE MAILED: 05/01/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

T.D.-14

|                              |                 |                |  |
|------------------------------|-----------------|----------------|--|
| <b>Office Action Summary</b> | Application No. | Applicant(s)   |  |
|                              | Examiner        | Group Art Unit |  |

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication .
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

**Status**

- Responsive to communication(s) filed on 4/18/02.
- This action is FINAL.
- Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

**Disposition of Claims**

- Claim(s) 27-38 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- Claim(s) \_\_\_\_\_ is/are allowed.
- Claim(s) 27-38 is/are rejected.
- Claim(s) \_\_\_\_\_ is/are objected to.
- Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

**Application Papers**

- See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.
- The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- The specification is objected to by the Examiner.
- The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119 (a)-(d)**

- Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- All  Some\*  None of the CERTIFIED copies of the priority documents have been received.
- received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
- received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

**Attachment(s)**

- Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_  Interview Summary, PTO-413
- Notice of Reference(s) Cited, PTO-892  Notice of Informal Patent Application, PTO-152
- Notice of Draftsperson's Patent Drawing Review, PTO-948  Other \_\_\_\_\_

**Office Action Summary**

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Claims 27-38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Kamel. Applicants' claims recite the contacting of carboxyl polymer and carbodiimide to a device having a surface comprising hydroxyl groups. Kamel discloses a device having hydroxyethyl methacrylate groups. Hydroxyethyl methacrylate qualifies as hydroxyl groups within applicants' claims. Kamel discloses that a material having carboxylic acid groups is contacted with the surface of the device. See column 12, line 3 and polyacrylic acid in column 12, line 31. Carbodiimide is disclosed in column 12, lines 58 and 59. It would be obvious to one of ordinary skill in the art to contact a surface of a device having hydroxyethyl methacrylate on the surface with a material comprising polyacrylic acid and carbodiimide. Applicants' arguments have been considered but are not persuasive. Applicant argues that Kamel does not teach that carbodiimide may be used to cross-link biocompatible materials to any groups of the substrate polymer. This argument is not persuasive because there is no corresponding limitation in the claims. The claims recite as the only process step in the claimed process that of "contacting". Kamel teaches contacting. Applicants' claims do not state what the carbodiimide is coupled with. Applicants' argument that Kamel does not teach treatment with a cross-linking agent such as carbodiimide is not persuasive because there is no recitation in the claims of carbodiimide as a

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"cross-linking agent". Carbodiimide is recited in the claims as a "coupling agent", however, the claims do not state what carbodiimide is coupled with. The argument that Kamel teaches plasma grafting is not persuasive because the process step "contacting" is broad enough to encompass plasma grafting. A material which contacts the surface and is grafted to the surface qualifies as "contacting" the surface.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Michl whose telephone number is (703) 308-2451. The examiner can normally be reached on Monday through Friday from 7:30 A.M. to 4 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vasu Jagannathan, can be reached on (703) 306-2777. The fax phone number for this Group is (703) 305-5433.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-2351.

PRMichl:cdc  
April 29, 2002

  
PAUL R. MICHL  
 PATENT EXAMINER  
ART UNIT 156